

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **Mark Chaban PC v Mark A Mangano**

Docket No. **289568**

L.C. No. **08-014821-AV**

Brian K. Zahra, Judge, acting under MCR 7.211(E)(2), orders:

Upon notification of a pending bankruptcy proceeding that deprives this Court of the authority to review this case, 11 USC 362, the Court orders that the case is CLOSED. The action filed in the district court was against the debtor, defendant-appellant Randa Mangano. An appeal by a defendant debtor is a continuation of the action against the debtor even though the debtor is bringing the appeal. See *Cathey v Johns-Manville Sales Corp*, 711 F2d 60, 62 (CA 6, 1983).

Closure is ordered without prejudice to the case being reopened upon written notification to this Court that the bankruptcy stay has been lifted, the bankruptcy proceedings have been dismissed, or a party to the case has obtained relief from the stay.

If the case is reopened, it should proceed as mandated by the court rules. Supplemental briefing may be allowed only upon motion before the Court.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

**JUN 17 2009**

Date

*Sandra Schultz Mengel*

Chief Clerk